

Congressional Hispanic Caucus**United States Congress****Washington, DC 20515**

CHAIRMAN

CHARLES A. GONZALEZ

20TH DISTRICT, TEXAS

June 7, 2012

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must carry
7/20*

The Honorable Julius Genachowski
Chairman
Federal Communications Commission
445 12th Street SW
Washington, DC 20554

Dear Chairman Genachowski:

We understand the FCC may soon release a final viewability rule on the analog carriage of digital broadcast signals. On behalf of the Congressional Hispanic Caucus ("CHC"), we ask that you give due consideration to, and make adequate provisions for, the more than 12 million Americans who rely on analog carriage from their cable companies to view local broadcast stations.

The desire of cable companies to make the most of their bandwidth is not only understandable but commendable. The improvement of cable service, particularly the extent and quality of broadband Internet access, is a goal that we share with you and them. However, ensuring that customers have access to their local broadcasters, and that these smaller broadcasters have access to viewers, is also an important goal.

It is worth noting that it is the smallest stations and, disproportionately, middle to low income viewers who rely on analog carriage. By the cable companies' own accounting, fully 20-22% of cable subscribers depend on analog signals. We know well that a disproportionate percentage of them are people of color and language-minority viewers. These viewers are the most dependent on broadcasts unavailable elsewhere than on these must-carry stations, the very reason why the must-carry provisions exist. Furthermore, these individuals also have the least flexibility to tackle any unforeseen problems that might arise from changes in carriage rules.

We understand that the forthcoming rule follows a three-year mandate FCC propounded in 2009 with the idea that customers would be able to prepare for a shift to digital-only service in that time. The past three years have seen much more economic hardship than anyone expected in early 2009. These have been the hardest years in decades, and the people hit hardest by the Great Recession are the very ones who face a potential loss of service through an abandonment of analog carriage.

No cable company wants to lose a customer, and we understand that some cable companies have made or suggested some provisions for customers who need digital television adapters. While

that is commendable, it is insufficient. As we saw with the move to DTV, such a shift is difficult in the best of times, which these are not. We must also remember that, during the transition to DTV, these same customers were told that they didn't need to take advantage of the rebates available to procure converter boxes *because* they were cable subscribers. It would reflect poorly on everyone if they were now forced to buy the boxes without the rebate and with less time to prepare for the transition.

We trust that you will keep these vulnerable viewers in mind as you propound viewability rules on must-carry stations. All viewers must be provided, at no additional cost to the consumer, with a way to continue watching their local stations. To do otherwise would undermine the very point of making these stations "must-carry".

Sincerely,



Charles A. Gonzalez
Chair
Congressional Hispanic Caucus



Rubén Hinojosa
First Vice Chair
Congressional Hispanic Caucus

Office of Congressman Charles A. Gonzalez
20th District of Texas

1436 Longworth HOB
Washington, D.C. 20515
Phone: (202) 225-3236
Fax: (202) 225-1915



727 E. Durango
B-124 Federal Building
San Antonio, TX 78206
Phone: (210) 472-6195
Fax: (210) 472-4009

To: **Chairman Elenachowski**

Phone Number:

Fax Number: **202-418-2806**

Re: **Viewability Rule**

Number of pages (including this cover sheet): **3**

From: **Congressional Hispanic
Caucus**

Phone Number: (210) 472-6195

Fax Number: (210) 472-4009

Message:



FEDERAL COMMUNICATIONS COMMISSION

July 26, 2012

JULIUS GENACHOWSKI
CHAIRMAN

The Honorable Rubén Hinojosa
U.S. House of Representatives
2265 Rayburn House Office Building
Washington, D.C. 20515

Dear Congressman Hinojosa:

Thank you for your letter concerning the Commission's proceeding to evaluate its "viewability" rule. I appreciate your interest in this matter and have directed the Chief of the Media Bureau's Office of Communications and Industry Information to look into this matter. I am pleased to provide the enclosed correspondence discussing the disposition of this proceeding.

If you have any additional questions or need any further assistance, please do not hesitate to contact me.

Sincerely,

A handwritten signature in dark ink, appearing to be "JG", is written over the word "Sincerely,". The signature is stylized and fluid.

Julius Genachowski



Federal Communications Commission
Washington, D.C. 20554

July 26, 2012

IN REPLY REFER TO:
CN-1200720

The Honorable Ruben Hinojosa
U.S. House of Representatives
2267 Rayburn House Office Building
Washington, D.C. 20515

Dear Congressman Hinojosa:

Thank you for your letter concerning the Commission's proceeding to review its rule governing the "viewability" of must-carry television broadcast stations to consumers who subscribe to analog and hybrid cable television service. Your views are very important and a copy of your letter will be included in the record of the proceeding.

As you may know, on June 11, 2012, the Commission unanimously adopted a *Fifth Report and Order* which concluded that, based on significant changes in the marketplace and technology, it would be in the public interest to allow the "viewability" rule adopted in 2007 to sunset. The Commission also determined that eliminating the rule would result in substantial benefits by providing cable television system operators with increased flexibility to meet consumer demands for high-definition digital programming and high-speed broadband services.

The Commission adopted several measures to help ensure that consumers who subscribe to hybrid cable television service will continue to have access to the programming provided by must-carry broadcast stations.

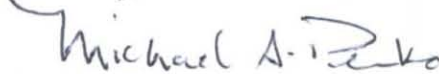
- *Transition Period:* Hybrid cable systems will continue to carry the analog versions of must-carry broadcast stations until December 12, 2012 to provide consumers, cable operators, and broadcasters with time to prepare for digital-only service.
- *Available and Affordable Equipment:* If a hybrid cable system decides to carry any must-carry broadcast stations in digital-only, we expect it will offer the necessary equipment to analog subscribers either at no charge or at an affordable rate that does not substantially deter use of the equipment.
- *Notice:* Cable television operators have committed to enhance their required 30-day written notices concerning service changes by: (1) informing affected subscribers that equipment will be necessary to view the must-carry signals and how the equipment may be obtained; and (2) providing broadcasters a minimum of 90 days notice before initiating any carriage changes to allow stations to participate in educating viewers on how to continue to access the stations' programming.

Page 2—The Honorable Ruben Hinojosa

Finally, it is important to note that, while the Commission allowed its viewability rule to sunset, the statutory requirement to make must-carry stations “viewable” remains in effect. Therefore, a must-carry broadcaster who believes that a cable television system operator has failed to satisfy its carriage obligations may file a complaint with the Commission. In addition, the Commission will consider informal consumer complaints when evaluating whether a particular cable television system operator is complying with the statutory viewability requirement.

I hope this information is helpful, and please do not hesitate to contact me if I can be of further assistance.

Sincerely,

A handwritten signature in dark ink, appearing to read "Michael S. Perko". The signature is fluid and cursive, with a large initial "M" and a stylized "P".

Michael S. Perko

Chief, Office of Communications and Industry Information
Media Bureau



FEDERAL COMMUNICATIONS COMMISSION

July 26, 2012

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CHAIRMAN

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Julius Genachowski



Federal Communications Commission
Washington, D.C. 20554

July 26, 2012

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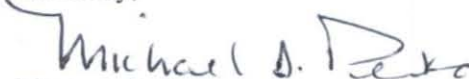
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Page 2—The Honorable Charles A. Gonzalez

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Michael S. Perko

Chief, Office of Communications and Industry Information
Media Bureau